

ORIGINAL

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

E-FILING

FILED

2007 OCT 25 A 9:17

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CAL. S.J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID HINKEL and  
JEFFREY RYAN SMITH,

Defendants.

No.

07 00675

VIOLATION: 18 U.S.C. § 1708 – Theft  
of United States Mail; 18 U.S.C. § 2 –  
Aiding and Abetting

SAN JOSE VENUE

INFORMATION

The United States Attorney charges:

Beginning in or about and between April 2004 and March 2005, in the Northern  
District of California, the defendants,

DAVID HINKEL and  
JEFFREY RYAN SMITH,

did: (1) steal letters, postal cards, and other mail from and out of a letter box, mail  
receptacle, and other authorized depository for mail matter; (2) steal letters, postal cards,  
and other mail that had been left for collection upon and adjacent to a collection box and  
other authorized depository for mail matter; and (3) buy, receive, conceal, and unlawfully

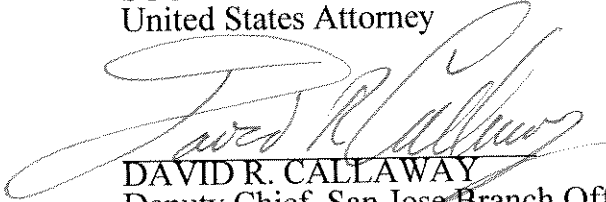
INFORMATION


1 possess letters, postal cards, and other mail, including articles and things contained  
2 therein, that had been stolen, taken, embezzled, and abstracted, knowing the same to have  
3 been stolen, taken, and abstracted without the consent of the addressee.

4 All in violation of Title 18, United States Code, Sections 1708 and 2.

5 DATED: 10/24/2007

6 SCOTT N. SCHOOLS  
United States Attorney

7   
8 DAVID R. CALLAWAY  
9 Deputy Chief, San Jose Branch Office

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11 (Approved as to form: )  
12 AUSA Singh  
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**E-FILE**

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**Title 18, U.S.C. § 1708 - Theft of  
United States Mail

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

**PENALTY:**5 year imprisonment, \$250,000 fine  
3 years supervised release, \$100 special assessment fee**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

U.S. POSTAL SERVICE / SA BYRON DARE

☐ person is awaiting trial in another Federal or State  
Court, give name of court☐ this person/proceeding is transferred from another  
district per (circle one) FRCrP 20, 21 or 40. Show  
District☐ this is a reprosecution of  
charges previously dismissed  
which were dismissed on  
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a  
pending case involving this same  
defendant☒ prior proceedings or appearance(s)  
before U.S. Magistrate regarding  
this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.

07-70354 PVT

Name and Office of Person  
Furnishing Information on  
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

CARLOS SINGH

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA**FILED**

DEFENDANT - U.S.

2007 OCT 25 A 9:16

DAVID HINKEL

RICHARD W. WIEKING  
DISTRICT COURT NUMBER  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.**JF****CR****07****00075****HRL****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons  
was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☒ Is on Bail or Release from (show District)

Northern District of California

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer  
been filed? ☐ Yes ☐ NoIf "Yes"  
give date  
filed**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS\*☐ WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons  
or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

AO 257 (Rev. 6/78)

# DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

Title 18, U.S.C. § 1708 - Theft of  
United States Mail

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

## PENALTY:

5 year imprisonment, \$250,000 fine  
3 years supervised release, \$100 special assessment fee

## PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

U.S. POSTAL SERVICE / SA BYRON DARE

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW  
DOCKET NO.

MAGISTRATE  
CASE NO.

07-70354 PVT

Name and Office of Person  
Furnishing Information on  
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y  
(if assigned)

CARLOS SINGH

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S. 9-17

JEFFREY RYAN SMITH

DISTRICT COURT NUMBER

CR 07 00675

## DEFENDANT

### IS NOT IN CUSTODY

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If not detained give date any prior summons was served on above charges

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Northern District of California

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TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

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Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_